

Message Text

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PAGE 01 KUWAIT 02543 180642Z

13

ACTION NEA-12

INFO OCT-01 ADP-00 EUR-25 PM-07 NSC-10 SS-15 RSC-01 L-03

CIAE-00 INR-10 NSAE-00 RSR-01 /085 W

----- 114097

R 180620Z JUL 73

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC 7158

INFO AMEMBASSY MANAMA

CINCEUR

CINCUSNAVEUR

JAG NAVY

COMIDEASTFOR

CNO

C O N F I D E N T I A L KUWAIT 2543

E.O. 11652: GDS

TAGS: MARR PFOR BA

SUBJ: CRIMINAL JURISDICTION OVER US NAVAL PERSONNEL

REF: A) STATE 135459; B) MANAMA 0410

1. I AGREE COMPLETELY WITH CHARGE STEIN'S PRESENTATION OF PROBLEM WE FACING RE CRIMINAL JURISDICTION IN BAHRAIN (REF B) AND PARTICULARLY POINT THAT USG IS FACED HERE WITH POLITICAL-SOVEREIGNTY ISSUE, NOT ROUTINE LEGAL PROBLEM. WE MAY INDEED BE ABLE TO INDUCE GOB TO ACCEPT OUR POSITION THAT USG JURISDICTION SHOULD NOT BE WAIVED IN MASTERS' CASE. IF SO, GOB ACCEPTANCE IN CASE OF MASTERS AS LIKELY BE BASED ON BAHRAINI SENSE OF FAIR PLAY (LENGTH OF TIME ELAPSED SINCE INCIDENT) AS ON PURELY LEGAL GROUNDS OUTLINED REF A. HOWEVER, "WINNING" MASTERS CASE WILL BE PYRRHIC VICTORY INDEED IF WE DO NOT FOCUS IMMEDIATELY ON PROBLEM FOR BAHRAIN GOVT WHICH MASTERS CASE HAS RAISED (PARAS 1, 2, 3 AND 7 OF REF A).

2. I THEREFORE URGE DEPT/DOD APPROVE PROPOSAL OUTLINED PARA 4 REF B. IF APPROVED, STEIN SHOULD DISCUSS PROPOSAL WITH FONMIN. ON BASIS OUTCOME STEIN/FONMIN MEETING, WE CAN DECIDE WHETHER
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SERIOUS PROBLEM REMAINS AND WHAT ELSE NEEDS TO BE DONE.

STOLTZFUS

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